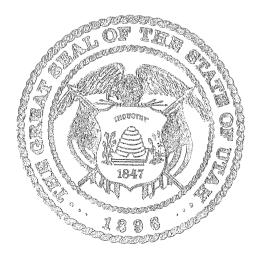


OFFICE OF THE LIEUTENANT GOVERNOR CERTIFICATE OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from HEBER CITY, dated October 5th, 2017, complying with Section 10-2-425, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to HEBER CITY, located in Wasatch County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 14th day of November, 2017 at Salt Lake City, Utah.

SPENCER J. COX Lieutenant Governor

Heber City Corporation 75 North Main Street Heber City, Utah 84032

*****NOTICE OF IMPENDING BOUNDARY ADJUSTMENT****

October 25, 2017

Lt. Governor's Office Utah State Capitol Complex P.O. Box 142325 Salt Lake City, Utah 84114-2325

Emailed to: annexations@utah.gov

RE: ESAD Annexation

To Lt. Governor Cox:

At the September 5, 2017 City Council meeting, the Mayor and City Council Re-Condisdered the adoption of Ordinance 2017-12, which was originally adopted on April 20, 2017 amending the common boundaries by annexing a portion of a parcel (5.01 Acres) designated in the Annexation Policy Plan, on property located at approximately 2211 to 2365 South Airport Rd., Heber Utah, which approved the annexation.

Enclosed you will find a copy of our Ordinances of Annexation, which includes the boundary description of the annexation, and a copy of the annexation map. The above referenced annexation meets the requirements of annexation.

If approved, please send the Certificate of Annexation to:

Heber City JoD'Ann Bates City Recorder 75 North Main Street Heber City, UT 84032

If you have any questions, please feel free to call me at 435-657-7886.

Sincerely,

JoD Ann Bates City Recorder

enclosures

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HEBER CITY CORPORATION 75 North Main Street Heber City, UT 84032 City Council Regular Meeting October 5, 2017

5:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

- I. <u>Call to Order</u>
- II. Pledge of Allegiance: Council Member Kelleen Potter
- III. Prayer/Thought: Council Member Jeffery Bradshaw
- IV. Open Period for Public Comments
- 1. Ordinance No. 2017-33, an Ordinance Amending Sections 15.04.010, 15.04.025, 15.04.030, 15.08.015, Adopted Code, Fire Code Official, Violations and Application for Permits, Respectively; Adopting Sections 15.08.003, and 15.14.010, Application Fees for Permits and Building Demolition Permit Requirements, Respectively, and Repealing Sections 15.08.70 and 15.08.075, Building and Improvement Full and Final Completion Bond, and Bond Forfeiture Appeals, Respectively, of the Heber City Municipal Code
- 2. Appointment of City Recorder
- 3. Ridgepoint Management Group, Request for Master Plan Approval of the Sawmill Planned Community Mixed
 Use Development with Associated Development Agreement
- 4. Reconsider Adoption of Ordinance 2017-12, An Ordinance Annexing a 5.01-Acre Parcel Known as the E.S.A.D Annexation Located at Approximately 2211 South Airport Road, and Approval of the Associated Annexation Agreement

Mayor McDonald introduced the item and explained that apparently it did not get signed in time to be recorded with the mandated time limit and the City has been asked by the Lt. Governor to re-adopt Ordinance 2017-12 so that the annexation can meet the state requirements. There were no questions or discussion from the Council.

MOTION: Council Member Franco moved the City Council Approve the reconsideration of the adoption of Ordinance 2017-12 for the E.S.A.D. Annexation Agreement.

Seconded by Council Member Smith

Unanimous vote, motion carried.

- **5.** Ryan Davis, Request For a One Year Extension to Record the Meadows at Southfields Subdivision Plat Located at 650 South 1200 West
- **6.** <u>Kam Kohler, Request for a One Year Extension to Record the Kam's Corner Subdivision Plat located at 550 East 500 North</u>
- 7. Review/Discuss The Draft Wasatch Open Lands Inter-Local Agreement

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- 8. Adopt Resolution 2017-15 A Resolution Amending the Heber City Municipal Airport Rules and Regulations
- 9. Adopt Resolution 2017-14 A Resolution Amending the Heber City Municipal Airport Minimum Standards
- 10. <u>Discussion for a Deadline of December 31, 2017, for Hangar Row Owners to Accept or Reject the New Airport Ground Lease and Associated Hangar Row Addendum</u>
- 11. Consideration of Closed Meeting Pursuant to Utah Code Annotated §52-4-205

VI. Adjournment

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Amy Bridge at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on October 02, 2017, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at <u>www.ci.heber.ut.us</u>, and on the Utah Public Notice Website at <u>http://pmn.utah.gov</u>. Notice provided to the Wasatch Wave on May 14, 2017 at 4:20 p.m..

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ORDINANCE 2017-12

AN ORDINANCE ANNEXING PROPERTY KNOWN AS THE E.S.A.D. ANNEXATION LOCATED AT 2211 SOUTH AIRPORT ROAD, HEBER CITY, WASATCH COUNTY, STATE OF UTAH.

BE IT ORDAINED BY THE CITY COUNCIL OF HEBER CITY, UTAH:

Section 1. That the 5.01 +/- acres, described in the attached Exhibit A of this Ordinance is hereby assigned to the I-2 Industrial Zone, consistent with the Heber City General Plan, County of Wasatch, State of Utah.

Section 2. This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, (c) a short summary of it has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City, (d) the execution and recording of an annexation Agreement and Covenant Running With the Land in substantially the form attached hereto as Exhibit C, and (e) the respective changes have been properly noted and attested to in the official zone map as required per Section 18.20.010 of the Heber City Municipal Code.

APPROVED:

Alan McDonald, Mayor

ATTEST:

Michall L. Vest RECORDER (Seal)

Date of First Publishing: May 10, 207



EXHIBIT A: DESCRIPTION

BEGINNING AT A POINT LOCATED WEST 25.00 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH 1/4 CORNER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE WEST 295 16 FEET ALONG A FENCE LINE TO A FOUND REBAR WITH CAP MARKED LS 145796:

THENCE NORTH 739.68 FEET ALONG A FENCE LINE TO A REBAR WITH CAP MARKED PLS 6854112:

THENCE EAST 295.16 FEET ALONG A FENCE LINE TO A FOUND 1/2" REBAR; THENCE SOUTH 739.68 FEET TO THE POINT OF BEGINNING,

AREA = 5.01 ACRES

PROPERTY SERIAL NUMBERS

Property Owner	Tax ID #
ESAD Investments	OWC-1594-7-007-045
ESAD Investments	OWC-1594-0-007-045
ESAD Investments	OWC-1594-6-007-045

EXHIBIT B: ANNEXATION AGREEMENT

ANNEXATION AGREEMENT AND COVENANT RUNNING WITH THE LAND (E.S.A.D. Annexation)

THIS AGREEMENT entered into this _____ day of _____, 2017, by and between Heber City, hereinafter referred to as "City" and the undersigned petitioners, as "Petitioner".

WHEREAS, the Petitioners have proposed annexation of 5.01 acres into Heber City; and

WHEREAS, the Planning Commission has reviewed the proposed annexation and has recommended approval of the proposed annexation with conditions.

NOW, THEREFORE, the parties hereby agree as follows:

1. **ZONING**

a) Properties within the annexation area shall be zoned I-2 Industrial, consistent with the Heber City General Plan Land Use Map;

2. WATER RIGHTS

- a) Petitioner shall transfer to the City any required water rights necessary for existing connections if not done previously;
- b) Developers shall, at the time of development, transfer to the City any required diversion water rights necessary for development of their property;

3. **EXISTING UTILITIES**

- a) Developers are responsible for acquiring and paying for any necessary offsite easements, dedications, or right of way; satisfying any reimbursement agreements; and constructing any offsite utilities required to connect to existing utilities and service the development of their property, including: sewer, water, secondary irrigation, power, gas, fiber, etc.;
- b) At Developer's expense, existing utilities shall be relocated into future right of ways, as needed and as directed by the City, at the time of development to avoid conflicts with proposed development;
- c) Existing septic tanks may be suitable for existing uses. However, the health department may require connection to sewer if septic tanks fail, or as those services are expanded. As properties develop or redevelop, connection to the City's sewer system will be required, as directed by the City;
- d) At the time of development, above ground utilities along the street frontage shall be placed underground, unless the City determines that burial is unfeasible;

4. **CULINARY WATER**

a) At the time of development or redevelopment of the properties, Petitioners shall extend a 12-inch culinary water line, identified on Exhibit D, and if required loop any additional onsite or offsite water lines needed to adequately serve their developments;

5. SEWER

- a) The Heber City Capital Facility Plan identifies future sewer line approximate locations needed to serve properties within the annexation as shown in Exhibit E;
- b) At the time of development or redevelopment of the properties, Developers shall extend the 10-inch sewer line identified as S-028 in the plan, and construct any onsite or offsite sewer lines or lift station needed to serve their developments and connect to existing facilities;

6. STREETS

a) The Heber City Capital Facility Plan identifies future street locations needed to serve properties within the annexation as shown in Exhibit F. Petitioners shall extend the Minor Collector road identified as T-016 in the plan. Required street dedications and construction shall include all surface and subsurface improvements, storm drain facilities, as well as all underground utilities;

7. PRESSURIZED IRRIGATION

- a) Developer shall construct onsite or offsite pressurized irrigation lines needed to serve their developments and connect to existing facilities.
- 8. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties;
- 9. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder;
- 10. In the event there is a failure to perform under this Agreement and it becomes reasonably necessary for either party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the prevailing party in the controversy shall be entitled to recover its reasonable attorney's fees incurred by such party and, in addition, such reasonable costs and expenses as are incurred in enforcing this Agreement.

IN WITNESS WE	iekeof, the partie	es nereto nave nereunto set their
hands the day and	year this agreemer	nt was first above written.
DATED this	day of	, 2017.

HEBER CITY:	
By:Alan McDonald, Mayor	
ATTEST:	
Heber City Recorder	
OWNER,	·
By:Mike Dunn	
STATE OF UTAH) : ss. COUNTY OF WASATCH)	
On this day of Owner, who duly acknowledged to me that I	, 2017, personally appeared before me the above named ne is the owner in fee and executed the same as such.
NOTARY PUBLIC	

EXHIBIT A: PROPOSED ANNEXATION PLAT

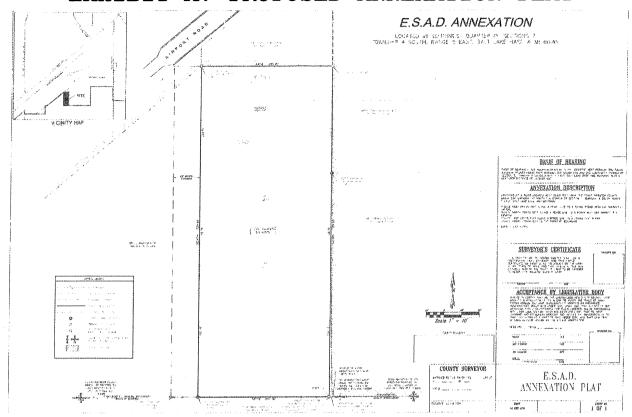


EXHIBIT B: LEGAL DESCRIPTION

BEGINNING AT A POINT LOCATED WEST 25.00 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH 1/4 CORNER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE WEST 295.16 FEET ALONG A FENCE LINE TO A FOUND REBAR WITH CAP MARKED LS 145796:

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AREA = 5.01 ACRES

EXHIBIT C: PROPERTY SERIAL NUMBERS

Property Owner	<u>Tax ID #</u>
ESAD Investments	OWC-1594-7-007-045
ESAD Investments	OWC-1594-0-007-045
ESAD Investments	OWC-1594-6-007-045

EXHIBIT D: CULINARY WATER

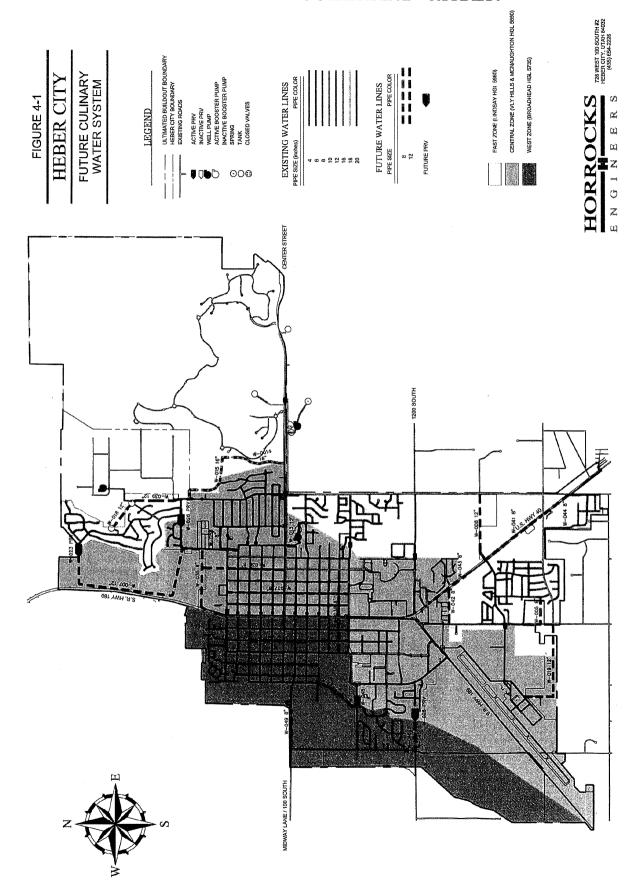


EXHIBIT E: SEWER

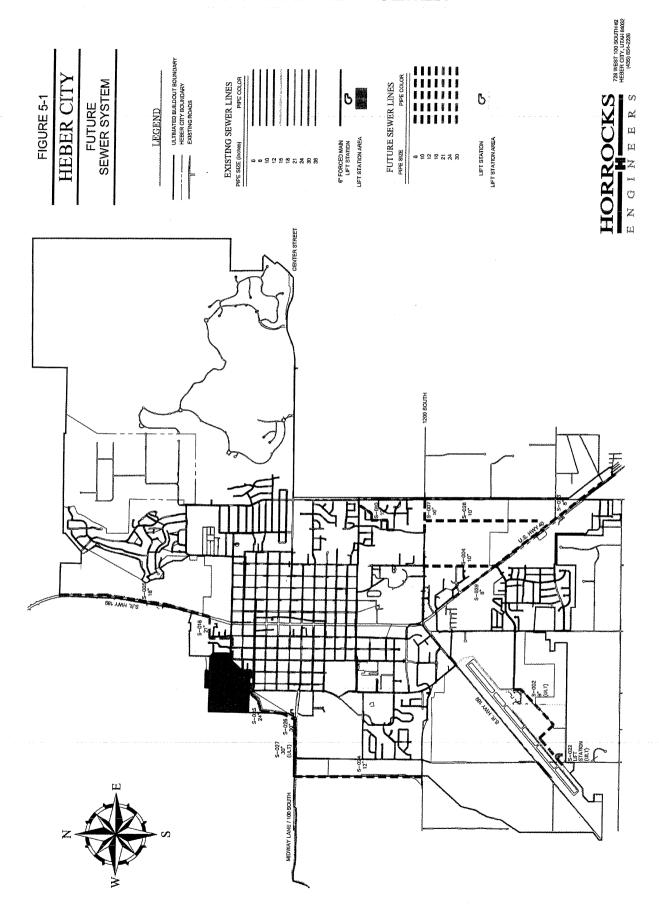
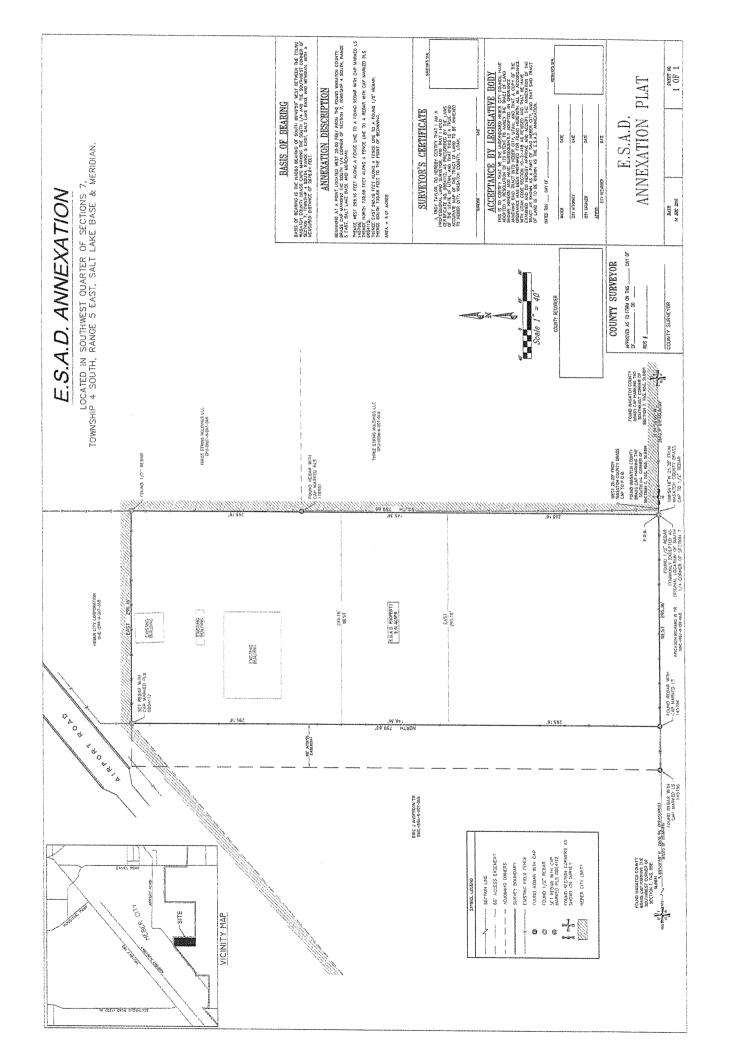


EXHIBIT F: STREETS FIGURE 6-1 - AMENDMENT 1 HEBER CITY LOCAL RESIDENTIAL STREET N.T.S. MINOR COLLECTOR STREET NTS. MAJOR COLLECTOR STREET NT.S. STREET SYSTEM MASTER PLAN ULTIMATED BUILDOUT BOUND) HEBER CITY BOUNDARY EXISTING LOCAL STREET MINOR ARTERIAL STREET N.T.S. LEGEND 200 HORROCKS ENGINEERS



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